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MAR 18 2004

3/22/04  
Inmate

JFW 1635 \$

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 55.00)**Complete if Known**

Application Number	09/724,425
Filing Date	November 28, 2000
First Named Inventor	John C. Reed
Examiner Name	Jane J. Zara
Art Unit	1635
Attorney Docket No.	04040/1200990-US7

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number **04-0100**

Deposit Account Name **Darby & Darby P.C.**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)	Terminal Disclaimer		55.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 55.00)**

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

## (Complete if applicable)

Name (Print/Type)	S. Peter Ludwig	Registration No. (Attorney/Agent)	25,351	Telephone	(212)527-7700
Signature				Date	March 18, 2004

Express Mail Label No.

Dated: \_\_\_\_\_



Application No. (if known): 09/724,425

Attorney Docket No.: 04040/1200990-US7

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EL 983946862us in an envelope addressed to:

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Fee Transmittal (1 page)

Check No. 4481 in the amount of \$55.00

Response to Office Action of December 18, 2003 under 37 C.F.R. 1.111  
(6 pages) with Tabs A-G

TAB A: Revocation Power of Attorney (2 pages)

TAB 1: Copy of Recorded Assignment (4 pages)

TAB B: Sequence Listing (Paper and CRF (1 diskette))

TAB C: Terminal Disclaimer (3 pages)

TAB D: Copy of Preliminary Amendment and Sequence Listing filed November 28, 2000

TAB E: Copy of Amendment filed November 5, 2001

TAB F: Copy of Office Action dated July 3, 2001

TAB G: Copy of Terminal Disclaimer filed May 11, 1999  
Return Receipt Postcard.



## UNITED STATES DEPARTMENT OF COMMERCE

## United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/724, 425 ✓ 11/28/00 REED

J 10412-026 ✓

EXAMINER

HM22/0703

LAURA A CORUZZI  
PENNIE & EDMONDS LLP  
1155 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-2711

2001

SCHMITT, M

ART UNIT

PAPER NUMBER

1635

DATE MAILED:

07/03/01

Amendment : 10/3/01

(M)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

REFERRED TO P. Shad  
REC'D

JUL 06 2001

Pennie & Edmonds  
O.K. for filing

**Office Action Summary**

Application No.	REED, JOHN C.
Examiner	Art Unit
Mary Schmidt	1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_ is/are allowed.  
6) Claim(s) 8-24 is/are rejected.  
7) Claim(s) \_\_\_\_ is/are objected to.  
8) Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.  
11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved.  
12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

KATRINA TURNER  
PATENT ANALYST

**Attachment(s)**

- 15) Notice of References Cited (PTO-892)      18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
16) Notice of Draftsperson's Patent Drawing Review (PTO-948)      19) Notice of Informal Patent Application (PTO-152)  
17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.      20) Other:

Art Unit: 1635

## **DETAILED ACTION**

1. Applicant's election with traverse of Group II in Paper No. 5 is acknowledged. No ground(s) for traversal were provided. Therefore, the election is treated as non-traversed.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5, filed 5-07-01.

### *Specification*

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

In the instant case, the specification needs to be updated to include all parent cases and their current status.

3. The Brief Description of the Drawings on page 8 needs to include the sequence identifiers of the sequences in Figure 13.



Express Mail No. EL 501 636 137 US First Class Mail ( ).  
Date Mailed November 28, 2000  
Serial No.: To Be Assigned Filed: Concurrently Herewith  
Applicant: John C. REED  
**FOR: REGULATION OF BCL-2 GENE EXPRESSION**

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Utility Patent Application Transmittal
- (X) Patent Application Fee Value (in duplicate)
- (X) Copy of application from 09/375,514, filed August 17, 1999 (with new claims 1-24)
- (X) Copy of executed Declaration from 09/375,514, filed August 17, 1999
- (X) Copy of recorded Assignment from 08/124,256, filed September 20, 1993
- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

**OTHER:**

File No.: 10412-026-999 Sender: LAC/JZB/PYS

Express Mail No. EL 501 636 137 US First Class Mail ( ).  
Date Mailed November 28, 2000  
Serial No.: To Be Assigned Filed: Concurrently Herewith  
Applicant: John C. REED  
**FOR: REGULATION OF BCL-2 GENE EXPRESSION**

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- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

**OTHER:**

File No.: 10412-026-999 Sender: LAC/JZB/PYS

09/12/4425  
11/28/00



Express Mail No. EL 477 032 297 US First Class Mail ( )  
Date Mailed November 5, 2001  
Serial No.: 09/724,425 Filed: November 28, 2000  
Applicant: John C. REED  
**FOR: REGULATION OF BCL-2 GENE EXPRESSION**

**The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:**

- (X) Amendment Under 37 C.F.R. § 1.111
- (X) Exhibit A (marked up replacement paragraphs of specification)
- (X) Exhibit B (marked up amended claims)
- (X) Exhibit C (pending claims after entry of present amendment)
- (X) Exhibit D (copy of Webb et al., 1997, Lancet 349:1137-1141)
- (X) Exhibit E (Waters et al., 2000, J Clin Oncol. 18:1812-1823)
- (X) Exhibit F (Delihas, 2001, Curr Drug Targets 2:167-180)
- (X) Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (in duplicate)

**OTHER:** \_\_\_\_\_

File No.: 10412-026-999

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